

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

JOHN NORMAN RYAN,

10-CV-626-ST

Plaintiff,

ORDER

v.

JOHN HARLAN, et al.,

Defendants.

BROWN, Judge.

Magistrate Judge Janice M. Stewart issued Findings and Recommendation (#53) on November 22, 2010, in which she recommends this Court grant the Motion (#36) to Dismiss of Defendant Catherine Magdalena and dismiss Magdalena with prejudice. Plaintiff filed timely Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make

a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*).

This Court has carefully considered Plaintiff's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Stewart's Findings and Recommendation (#53) and, therefore, **GRANTS** the Motion (#36) to Dismiss of Defendant Catherine Magdalena and **DISMISSES** Magdalena **with prejudice**.

IT IS SO ORDERED.

DATED this 4th day of February, 2011.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge